REMARKS/ARGUMENTS

This paper is responsive to the Office Action mailed December 10, 2008. Claims 1-22 were pending and stand rejected. Claims 1, 8, and 15 have been amended. Support for all amended claims can be found in the specification, and no new matter is believed to have been added by these amendments.

Claims 1-22 remain pending in this application after entry of this amendment. Reconsideration of the claims in view of the amendments and the following remarks is respectfully requested.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2003/0028514 to Lord et al. (hereinafter "Lord") in view of U.S. Patent Application No. 2004/0133577 to Miloushev et al (hereinafter "Miloushev").

With regard to rejections under 35 U.S.C. § 103, the Examiner must provide evidence which as a whole shows that the legal determination sought to be proved (*i.e.*, the reference teachings establish a *prima facie* case of obviousness) is more probable than not. M.P.E.P. §2142. Moreover, when rejecting the claims based on a combination of prior art elements according to known methods to yield predictable results, as the Office Action appears to do in the present instance as articulated on page 4, the Office Action must articulate four factual findings. M.P.E.P. § 2143(A). First, there must be "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." *Id.* Second, there must be "a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely performs the same function as it does separately." *Id.* Third, there must be "a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable." *Id.* Fourth, there must be articulation of

"whatever additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness." *Id.*

Applicants respectfully submit that the pending claims are not obvious over Lord in view of Miloushev because the references do not teach each element of the claims, either alone or in combination. For example, independent claims 1 and 8 recite "providing to said particular shared object an attribute that indicates any object created in said particular shared object after said point in time is designated as node-specific while any object existing in said particular shared object prior to said point in time maintains designation as shared." Similarly, independent claim 15 recites a cluster file system that "provides to said shared object an attribute that indicates any object created in said shared object after said point in time is designated as node-specific while any object existing in said shared object prior to said point in time maintains designation as shared." Applicants submit that these features recited in the claims are not taught by Lord or Miloushev.

The Office Action at pages 3, 6 and 9 asserts that the above elements are taught by Lord at paragraph 96. At page 9, the Office Action additionally asserts that the above element of claim 15 is taught by Lord at paragraph 100. Applicants respectfully disagree.

Paragraphs 96 and 100 of Lord are directed to extended attributes of filesystem objects. Paragraph 96 generally describes that the extended attributes are basically name-value pairs of information associated with a filesystem object. Paragraph 100 describes that extended attributes are stored on a disk separate from the file data and are, therefore, accessible only by the filesystem server. Paragraph 100 also describes that there are advantages provided by caching the extended attributes because, in some cases, the same attribute needs to be checked several times for a single file system object during a single operation and, by caching the extended attributes, the filesystem client only needs to make one request for the attribute. Thus, paragraphs 96 and 100 of Lord merely teach that file systems can have attributes – however, these paragraphs do not teach anything about a very specific attribute, as recited in claims 1, 8, and 15 that indicates any object created in said particular shared object after said point in time is designated as node-specific while any object existing in said particular shared object prior to said point in time maintains designation as shared.

Looking at portions of Lord related to paragraphs 96 and 100, specifically paragraphs 95 through 104, these portions do not compensate the above-discussed inadequacy of paragraphs 96 and 100. For instance, paragraphs 95 through 104 are all dedicated to some aspect of the extended file objects, but none teach the above element. Paragraphs 102 and 103, for example, are dedicated to a use of extended attributes involving access control lists (ACLs), which are, as described by Lord, lists that "identif[y] particular user(s) who have specific permissions and particular groups may have specific permissions." Lord, ¶ 102. Thus, an ACL "is a list of those permissions for any filesystem object, such as a particular file or directory." *Id.* Lord further describes that, "when a file is created, its initial or default access control list is inherited from an extended attribute which is held in the parent directory." *Id.* at paragraph 103. Therefore, while Lord may teach an attribute that indicates that a newly-created object inherits a default ACL from a parent directory, Applicants submits that this is completely different from providing an attribute to a particular shared object at a point of time, as recited in claims 1, 8, and 15, such that any object created in said particular shared object *after* said point in time is designated as node-specific while any object existing in said particular shared object *prior* to said point in time maintains designation as shared.

Further, the deficiencies of Lord, as discussed above, are not cured by Miloushev. Miloushev describes a switched file system which distributes user files among multiple file servers using aggregated file, transaction and directory mechanisms. The files are distributed according to a predetermined set of aggregation rules. (Miloushev, Abstract). The description in Miloushev has nothing to do with providing an attribute to a shared object at a point in time such that, objects created in the shared object are designated as node-specific while objects existing in the shared object maintain a shared designation, as recited in claims 1, 8, and 15.

Accordingly, Applicants respectfully submit that even if Lord and Miloushev were combined as indicated in the Office Action (even though there appears to be no motivation for the combination), the resultant combination would not teach the above-discussed features of claims 1, 8, and 15. As a result, Applicants respectfully submit that claims 1, 8, and 15 are patentable under 35 U.S.C. § 103 over a combination of Lord and Miloshev.

It is further submitted that claims 2-7, 9-14, and 16-22 depend from claims 1, 8, and 15, respectively and, therefore, are allowable at least for depending from an allowable independent claim.

Finally, claims 1 and 8, as amended, recite using "a pointer associated with said particular shared object to access alternate directory location information for the alternate directory, said alternate directory location information stored in a table having alternate directory location information for each node." Similarly, claim 15 recites a cluster file system that "uses a pointer associated with said shared object to access alternate directory location information for the alternate directory, said alternate directory location information stored in a table having alternate directory location information for each node." These amendments are supported at least by page 7 of the specification. Applicants respectfully submit that these features of claims 1, 8, and 15 are not taught by Lord or Miloushev, either alone, or in combination.

At page 4, the Office Action acknowledges that Lord fails to teach "the pointer to a table in an alternate directory," but asserts that this is taught by Miloushev at paragraphs 190 and 427-429. Applicants respectfully disagree that Miloushev provides a teaching that makes up for the deficiency of Lord.

First, Applicants respectfully point out that claims 1, 8, and 15 each specifically recite "a table having alternate directory information for each node" and not "a table in an alternate directory," as asserted in the Office Action. Where the table itself is located is not relevant to claims 1, 8, and 15.

Second, even assuming for argument's sake that Miloushev recites "a table in an alternate directory," as amended, claims 1, 8, and 15 recite a table "alternate directory location information [that is] stored in a table having alternate directory location information for each node." To Applicants' knowledge, Miloushev does not teach a table having location information of existing alternate directories.

The Office Action at pages 4, 7, and 10, points to paragraphs 190, and 427-429 of Miloushev for disclosure of a table in an alternate directory. Paragraph 190 is directed to a matrix of pointers that point to a file server in which a stripe-mirror instance of a file is stored. Paragraphs 427-429 are directed to a list of pointers to directory entries. As best understood by

Applicants, paragraphs 427-429 do not teach that the pointers point to, for example, locations of directories. Thus, paragraphs 190 and 427-429 do not teach a pointer to a table, as recited in claims 1, 8, and 15, but teach a table of pointers. Further, to Applicants' understanding, the tables disclosed do not include location information for alternate directories, but location information for individual files, such as individual stripe-mirror instances, as described in paragraph 190. Therefore, for at least these additional reasons, Applicants respectfully submit that independent claims 1, 8, and 15 are allowable under 35 U.S.C. § 103 over Lord in view of Miloushev. As dependent claims 2-7, 9-14, and 16-22 depend from allowable claims 1, 8, and 15, respectively, Applicants respectfully submit that the pending dependent claims are allowable at least for depending from an allowable independent claim.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

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